

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Claim Amendments

By way of the amendment instructions above, the prior pending claims have been amended so as to clarify the claimed invention. In this regard, the claims have been amended so as to clarify that the soil is provided with an impermeable layer *at a surface of the soil which extends to the biologically active layer*. The air guiding layer is thus clarified as being created *in the surface of the soil subjacent to the impermeable layer*, the air guiding layer extending to the biologically active layer and including a medium whose resistance is lower than the resistance of the surrounding soil which lacks the medium. The stripping gas with the contaminants will thus flow substantially to the biologically active layer at the surface of the soil via the air guiding layer by virtue of the latter having the medium whose resistance is lower than that of the surrounding soil.

Following entry of this amendment, claims 1-12 will remain pending herein for which favorable action on the merits is solicited.

2. Response to Substantive Rejections

Prior claims 1-9, 11 and 12/11/9 attracted a rejection under 35 USC §102(b) as allegedly anticipated by the applicant's prior-published US Application 2001/0021336, corresponding to USP 6,547,489 (hereinafter referenced as "the US '336 publication"). In addition, prior claims 10 and 12/10 attracted a rejection under 35 USC §103(a) as allegedly being "obvious" and hence unpatentable over the '336 publication. In this regard, the Examiner apparently considers paragraph [0028] of the '336 publication to be a teaching of creating a medium that has a lower resistance to the stripping gas.

In response, applicants have clarified that require the presence of an impermeable layer on the soil surface and an air guiding layer at the soil surface subjacent to the impermeable layer which has a resistance that is lower than surrounding soil to guide the stripping gas with contaminants to the biologically active layer. Thus, even though paragraph [0028] of the '336 publication may disclose generally that porosity of "dry soil" can be reduced by the introduction of "dry stripping gas", there is no disclosure or suggestion therein that an air guiding layer may be created *in the surface of the soil subjacent to the impermeable layer*, the air guiding layer extending to the biologically active layer and including a medium whose resistance is lower than the resistance of the surrounding soil which lacks the medium.

Furthermore, there is no suggestion in the '336 publication of providing an impermeable layer and a subjacent air guiding layer in order to cause the stripping gas with the volatilised contaminants therein substantially to flow to the biologically active layer in the soil adjacent the impermeable layer. In this regard, it is noted that the pneumatic lances of the '336 publication provide for a ***pneumatic screen*** that forcibly directs the polluted gas towards the biological layer. Therefore, even though an impermeable layer 315 is disclosed in the embodiment of Fig. 3 in the '336 publication (see paragraph [0037]), that disclosure is in conjunction with providing air via lances 317 located outside the perimeter of the layer 315 at a higher pressure and flow rate as compared to the air pressure and flow rate introduced via lances 313. As such, the disclosure to those in the art is that a pneumatic screen is likewise present which forces the air flow in the direction of the bioactive layer.

Thus, for the reasons noted above, all pending claims herein are both novel and unobvious over the applied US '336 publication. Withdrawal of the same as a reference against the pending claims and early passage of this application to issue are therefore solicited.

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3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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